

Applicant/Serial No.: Nicholas F. D'Antonio et al. / 10/730,147
Filed/Conf. No. 12/8/2003 / Conf. No. 2308
Examiner/Group: Timothy Lewis Maust / 3751
Response to Restriction Requirement mailed: 09 / 08 / 2005
Attorney File: DA0589US (#90036)

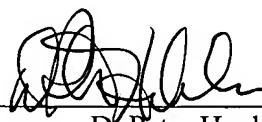
REMARKS

According to the Office Action dated August 8, 2005, a restriction requirement identifying claims 1-20 in Group I and claims 21-37, 45-51 and 53-55 in Group II was set forth. The applicants respectfully traverse the restriction requirement in view of the claims as amended. Claim 1 has been amended by stating that the septum opening device which is affixed to the housing is independent of the fluid cartridge(s). This is to make it clear that the opening device is not part of a receiver, such as a fluid cartridge, but is independent of the cartridge. As shown, for example, in Figs. 2B and 3, the septum opening device is independent of the cartridge to distinguish it from a hypodermic syringe where the septum opening device is part of the hypodermic syringe as would be required for classification in Class 141, subclass 330. It is submitted that by this amendment claim 1 and the other claims in Group I now fall in Class/subclass 141/18. A similar amendment was made to claim 15. The other amendments made to the claims refer to a "fluid cartridge." Claim 1 original recited "the cartridges having a container," and this amendment now changes the recitation to "fluid cartridges" to improve the clarity of the claims.

In compliance with the requirement that an election of the invention be made even though the restriction requirement has been traversed, the applicants elect Group I, claims 1-20.

It is requested that substantive examination of the above-identified application now commence.

Respectfully submitted,

By: 
D. Peter Hochberg
Reg. No. 24,603

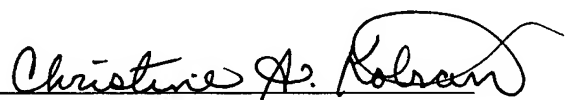
DPH/ck

D. Peter Hochberg Co., L.P.A.
1940 E. 6th Street - 6TH Floor
Cleveland, Ohio 44114
Phone: (216) 771-3800 / Fax: (216) 771-3804
e-mail: dphdocket@aol.com

CERTIFICATE OF MAILING UNDER 37 C.F.R 1.8(a)

I hereby certify that this paper (along with any paper referred to as being attached hereto or transmitted herewith) is being deposited with the United States Postal Service as first class mail on the date noted below in an envelope addressed: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date: 09 / 08 / 2005

By: 
Christine A. Kotran